

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1867.02
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	February 5, 2002
DATE OF REPORT:	March 7, 2002
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	April 17, 2002

COMPLAINT ISSUES:

Whether the Lebanon Community School Corporation and the Boone-Clinton-North West Hendricks Joint Services violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program as written, specifically:

- a. failing to provide identified modifications (larger print, spacing of paper, slant board, reduced work);
- b. failing to implement identified goals and objectives; and
- c. failing to provide progress reports.

511 IAC 7-27-4(a)(3) by failing to schedule a case conference committee meeting at the parent's request.

During the course of this complaint investigation, the following additional issues were identified:

511 IAC 7-27-6(a)(3) by failing to include a statement of the program modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals.

511 7-27-2(b) by failing to keep a record of attempts to arrange the case conference committee meeting, such as detailed records of telephone calls made or attempted and the results of the calls.

FINDINGS OF FACT:

1. The Student is seven years old and attends a local elementary school (the "School"). The Student is eligible for special education and related services as a student with an other health impairment.
2. The Complainant asserts that certain modifications and accommodations were not included in the Student's IEP, dated May 15, 2001. Although the IEP identifies several accommodations, it does not include a slant board, larger print, spacing of paper, and reduced work. The Student's teacher and the parent discussed these modifications and accommodations outside of a case conference committee ("CCC") meeting. They were not incorporated into the IEP.
3. The School acknowledges that the Student's speech and language therapist and teacher of record ("TOR") had not made copies of every IEP goal page, specifically, progress report pages involving expressive and receptive language skills and classroom skills. Thus, progress reports on these

goals and objectives were not sent as required. The IEP requires that progress be reported every nine-week grading period along with the Student's report card. The complainant asserts that many of these IEP goals have not been addressed. The School also acknowledges that, due to the above oversight, some of the related goals and objectives may not have been addressed.

4. The Complainant made a verbal request for a CCC meeting by telephone to the School's principal the week of January 21 and left a message to call back. The principal did not call back until the following week and scheduled a CCC meeting for February 7, 2002. The School's Principal acknowledges that the School has no procedure in place and no system of detailed record keeping of telephone calls made or attempted and the results of the calls when handling the requests for scheduling a CCC meeting. The School called the parent on February 4, 2002, to reschedule the CCC meeting for February 14, 2002. The CCC convened on February 14, 2002, and the Student's IEP was revised.
5. Although the Student's IEP does not include accommodations and modifications the parent discussed with the teacher, the IEP does contain information regarding the program modifications or supports for school personnel that will be provided for the Student to advance appropriately towards attaining the IEP goals and objectives.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the accommodations the Complainant asserts are not being implemented are not included in the Student's IEP. Therefore, no violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #3 indicates that the School failed to ensure that identified goals and objectives regarding expressive and receptive language skills and classroom skills were implemented. Therefore, a violation of 511 IAC 7-27-7(a) is found regarding the School's failure to implement identified goals and objectives.
3. Finding of Fact #3 also indicates that the School failed to provide progress reports regarding expressive and receptive language skills and classroom skills. Therefore, a violation of 511 IAC 7-27-7(a) is found regarding the School's failure to provide progress reports.
4. Finding of Fact #4 indicates that the School did schedule a CCC meeting approximately two weeks after the parent's request the week of January 21, 2002, for February 7, 2002. No violation of 511 IAC 7-27-4(a)(3) is found.
5. Finding of Fact #4 also indicates that the School failed to keep a record of attempts to arrange CCC meetings and handle parent requests for CCC meetings. The School does not have a procedure in place for keeping detailed records of telephone calls made or attempted and the results of those calls. Therefore, a violation of 511 IAC 7-27-2(b) is found.
6. Finding of Fact #2 and #5 indicate that, although the IEP does not include accommodations and modifications the parent discussed with the teacher, the Student's IEP does contain information regarding the program modifications or supports for school personnel that will be provided for the Student to advance appropriately towards attaining the IEP goals and objectives. Therefore, no violation of 511 IAC 7-27-6(a)(3) is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Lebanon Community School Corporation and the Boone-Clinton-North West Hendricks Joint Services shall:

1. Convene a CCC meeting to determine the Student's need for compensatory services with regard to language and classroom skills. The CCC report must clearly document the CCC's consideration of compensatory services. If compensatory services are to be provided, the IEP must clearly document how and when the services will be provided. The CCC must also come to an agreement on what accommodations, modifications, and related services will be provided to the Student and have those provisions made explicit in a statement per 511 IAC 7-27-6(a)(3). The CCC must also ensure that the IEP includes a statement of how the Student's progress toward annual goals, including short-term objectives, will be measured, and how the Student's parents will be regularly informed of the Student's progress. A copy of the CCC summary report and a copy of the revised IEP shall be submitted to the Division no later than April 12, 2002.
2. Develop a policy and procedures for responding to a parent's request for a CCC meeting. The procedures shall include a method for keeping a detailed record of telephone calls made or attempted and the results of the calls when meeting the requests for scheduling a CCC meeting. The School shall send a written reminder to appropriate personnel regarding implementation of the new procedures. A copy of the procedures and memorandum and a list of individuals to whom the memorandum was sent shall be submitted to the Division no later than April 12, 2002.

DATE REPORT COMPLETED: March 7, 2002